UNITED
NATIONS

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General Assembly

Distr.
GENERAL

A/RES/52/138
3 March 1998

Fifty-second session
Agenda item 112 (*c*)

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/52/644/Add.3)]

52/138. Human rights in Haiti

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights[1] and the International Covenants on Human Rights,[2]

Recalling its resolution 51/110 of 12 December 1996, and taking note of Commission on Human Rights resolution 1997/52 of 15 April 1997,[3]

Recognizing the interdependence and the mutual reinforcement between democracy, development and respect for human rights and fundamental freedoms and the commitment of the international community to supporting, strengthening and promoting this principle,

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] See *Official Records of the Economic and Social Council, 1997, Supplement No. 3* (E/1997/23), chap. II, sect. A.

Taking note of the reports of the independent expert of the Commission on Human Rights on the situation of human rights in Haiti, Mr. Adama Dieng,[4] who was appointed to assist the Government of Haiti to consider the development of the human rights situation in Haiti and to verify its compliance with its obligations in that field, and the recommendations contained therein,

Welcoming and bearing in mind the report of the Secretary-General on the implementation of the programme of technical cooperation aimed at strengthening the institutional capacity of Haiti in the field of human rights,[5]

Recognizing the important contributions of the International Civilian Mission to Haiti, the United Nations Support Mission in Haiti, the United Nations Transition Mission in Haiti and the National Commission for Truth and Justice to the establishment of a climate of freedom and tolerance propitious to the respect for human rights and the restoration and spread of democracy in Haiti,

Welcoming the renewal by the General Assembly, in its resolution 51/196 B of 31 July 1997, of the mandate of the International Civilian Mission to Haiti,

Welcoming also the efforts of the Government to improve the situation of human rights in Haiti, and noting the policy statements by Haitian authorities that the Government of Haiti remains committed to upholding human rights and improving accountability,

Expressing the hope that the Haitian people will shortly be able to express themselves once again through free, honest and transparent elections,

Expressing concern at the continuing problem of common crime, and noting the ongoing need for technical training of the Haitian National Police and for the strengthening of the judicial system,

1. *Expresses its thanks* to the Secretary-General, to his Special Representative for Haiti and to the independent expert of the Commission on Human Rights on the situation of human rights in Haiti for their continuing efforts in favour of the consolidation of democratic institutions in Haiti and the respect for human rights in that country;

2. *Welcomes* the report of the National Commission for Truth and Justice, as well as the reports of the International Civilian Mission to Haiti on Haitian justice and on respect for human rights by the Haitian National Police, and urges the Government of Haiti, with the support of the international community, to take appropriate follow-up action on the recommendations contained in those reports;

3. *Requests* the Government of Haiti to publish the complete report of the National Commission for Truth and Justice and to make it widely available throughout the country, as well as to initiate legal action in serious cases;

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[4] E/CN.4/1997/89 and A/52/499.

[5] A/52/515.

4. *Expresses concern* at the security problems faced by Haitian society, which contribute to the shortcomings of the judicial system and the police apparatus, as noted in the reports of the independent expert;[4]

5. *Supports* the reform of the judicial system currently being carried out by the Government of Haiti, which includes training in international humanitarian law and human rights, and emphasizes the priority of that reform in the framework of the bilateral and multilateral assistance provided by the international community, including that of the United Nations Development Programme;

6. *Welcomes* the establishment of the programme of technical cooperation prepared by the Office of the United Nations High Commissioner for Human Rights, aimed at strengthening institutional capacity in the field of human rights, in particular in the areas of legislative reform, training of justice administration personnel and human rights education, and requests the Secretary-General to submit a report on the implementation of the programme to the General Assembly at its fifty-third session;

7. *Invites* the international community, including the Bretton Woods institutions, to continue their involvement in the reconstruction and development of Haiti, having regard for the fragility of the political, social and economic situation of the country;

8. *Encourages* the Government of Haiti to ratify the International Covenant on Economic, Social and Cultural Rights,[5] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[6] and the Optional Protocols to the International Covenant on Civil and Political Rights;[7]

9. *Once again invites* the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences to consider favourably the invitation to visit the country extended to her by the Government of Haiti;

10. *Decides* to continue its consideration of the situation of human rights and fundamental freedoms in Haiti at its fifty-third session.

70th plenary meeting
12 December 1997

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[6] Resolution 39/46, annex.

[7] See resolutions 2200 A (XXI), annex and 44/128, annex.

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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[*on the report of the Third Committee (A/52/644/Add.3)*]

52/139. Situation of human rights in Kosovo

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other human rights instruments,

Taking note with concern of the reports on the situation of human rights in Bosnia and Herzegovina,[3] the Republic of Croatia[4] and the Federal Republic of Yugoslavia[5] submitted by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia, which describe the continuing grave human rights situation in Kosovo,

Noting with regret that a memorandum of understanding on the educational system in Kosovo, signed in 1996, has not yet been implemented, and calling for full and immediate implementation of that memorandum,

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] E/CN.4/1998/13; see also A/52/490.

[4] E/CN.4/1998/14; see also A/52/490.

[5] E/CN.4/1998/15; see also A/52/490.

Noting with concern the use of force by Serbian police against peaceful Albanian student protesters of Kosovo on 1 October 1997 and the failure of the Government of the Federal Republic of Yugoslavia to make reasonable accommodation to address the legitimate grievances of the students,

1. *Expresses its deep concern* about all violations of human rights and fundamental freedoms in Kosovo, in particular the repression of the ethnic Albanian population and discrimination against it, as well as acts of violence in Kosovo;

2. *Calls upon* the authorities of the Federal Republic of Yugoslavia:

(*a*) To take all necessary measures to bring to an immediate end all human rights violations against ethnic Albanians in Kosovo, including, in particular, discriminatory measures and practices, arbitrary searches and detention, the violation of the right to a fair trial and the practice of torture and other cruel, inhuman or degrading treatment, and to revoke all discriminatory legislation, in particular that which has entered into force since 1989;

(*b*) To release all political prisoners and to cease the persecution of political leaders and members of local human rights organizations;

(*c*) To allow the return in safety and dignity of Albanian refugees from Kosovo to their homes;

(*d*) To allow the establishment of genuine democratic institutions in Kosovo, including the parliament and the judiciary, and to respect the will of its inhabitants as the best means of preventing the escalation of the conflict there;

(*e*) To allow the reopening of the educational, cultural and scientific institutions of the ethnic Albanians;

3. *Urges* the authorities of the Federal Republic of Yugoslavia to pursue constructive dialogue with the representatives of the ethnic Albanians of Kosovo;

4. *Welcomes* the visits to Kosovo of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia and her relevant reports,[5] and calls upon her to continue to monitor closely the human rights situation in Kosovo and to continue to pay due attention to that matter in her reporting;

5. *Urges* the authorities of the Federal Republic of Yugoslavia to allow the immediate unconditional return of the mission of long duration of the Organization for Security and Cooperation in Europe to Kosovo, as called for in Security Council resolution 855 (1993) of 9 August 1993;

6. *Welcomes* the report of the Secretary-General on the situation of human rights in Kosovo,[6] submitted pursuant to General Assembly resolution 51/111 of 12 December 1996, and requests him to continue his efforts to seek ways and means, including through consultations with the United Nations High Commissioner for Human Rights and relevant regional organizations, to establish an adequate international monitoring presence in Kosovo and to report thereon to the Assembly at its fifty-third session;

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[6] A/52/502.

7. *Encourages* the Secretary-General to pursue his humanitarian efforts in the former Yugoslavia, in liaison with the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and other appropriate humanitarian organizations, with a view to taking urgent practical steps to tackle the critical needs of the people in Kosovo, and to assist in the voluntary return of displaced persons to their homes in conditions of safety and dignity;

8. *Emphasizes* the importance of laws and regulations concerning citizenship applied by the authorities of the Federal Republic of Yugoslavia being in accordance with the standards and principles of non-discrimination, equal protection before the law and the reduction and avoidance of statelessness, as set out in the relevant international human rights instruments;

9. *Also emphasizes* that improvements in the promotion and protection of human rights and fundamental freedoms in Kosovo will assist the Federal Republic of Yugoslavia to establish the full range of relations with the international community;

10. *Decides* to continue the examination of the situation of human rights in Kosovo at its fifty-third session under the item entitled "Human rights questions".

70th plenary meeting
12 December 1997